

REMARKS

Under 37 C.F.R. 1.173(b), Applicants present this Preliminary Amendment for the concurrently filed reissue application of U.S. Patent No. 6,531,165. By this amendment, previously issued claims 1 and 2 are amended, and new claims 3 and 4 are added. Upon entry of the listing the claims set forth above, claims 1-4 will be pending in this application.

In the specification, Applicants amend the first paragraph of the specification (*see* U.S. Pat. No. 6,531,165, column 1, lines 4-5) to update the status paragraph to indicate that the application is now a reissue application of U.S. Serial Number 09/472,438, filed December 27, 1999, now U.S. Patent No. 6,531,165 (“the ‘165 patent”).

Support for the amendment to claim 1, as well as new claim 4, is found in the original specification on page 7, lines 21-26 and page 7, line 36 – page 8, line 9 (i.e., the ‘165 patent, col. 4, ll. 45-49 and 59-67). Support for the amendment to claim 2 is found in originally filed claim 8, and the original specification on page 3, lines 33-36 (i.e., the ‘165 patent, col. 2, ll. 47-50). Support for the newly added claim 3 is found in the original specification, on page 7, lines 21-26 and page 7, line 36 – page 8, line 9 (i.e., the ‘165 patent, col. 4, ll. 45-49 (*see* l. 48) and 59-67 (*see* l. 63)).

Claim 1 as originally allowed recites the term “Vitamin C.” While the ‘165 patent specification defines “Vitamin C’s” as including Vitamin C and derivatives (such as those disclosed in the ‘165 patent, col. 4, ll. 45-49 and 59-67), Applicants wish to avoid any possible claim construction misunderstanding as to whether claimed method is limited to the administration of a composition comprising only one form of Vitamin C, i.e., L-ascorbic acid. Applicants therefore amend claim 1 and add claim 4 to clarify that any of the “Vitamin C’s” listed in the specification, as well as any other Vitamin C derivative known to those skilled in the art, may be used in the claimed method.

As originally intended by Applicants, amended claim 1 now comprises the administration of a composition comprising a compound selected from the group consisting of L-ascorbic acid, L-ascorbate dipalmitate esters, L-ascorbate monopalmitate esters, sodium L-ascorbate-2-sulfate, L-ascorbate phosphate esters, L-ascorbate stearate esters, L-ascorbate-2-glycoside or dipotassium DL- α -tocopherol-L-ascorbate phosphate diester or mixtures thereof. New dependent claim 3 comprises administration of one the recited compounds, L-ascorbate-2-glycoside. In addition, claim 4 comprises the administration of a vitamin C or derivative thereof.

Claim 2 is amended to correct a minor typographical error on the part of the U.S. Patent and Trademark Office. The Examiner's attention is directed to originally filed (twice amended) claim 8, which states: "A method as claimed in claim 6, wherein the extract from a shoot of a *Fagus crenata* is" Applicants cancelled claims 1-5 in a Preliminary Amendment dated December 27, 1999, and cancelled claim 7 in an Amendment dated September 8, 2000. Thus, originally filed 6 became claim 1 and originally filed claim 8 became claim 2 in the '165 patent.

No new matter has been added and the entry of the amendment is respectfully requested.

A check in the amount of \$770.00 is enclosed. The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date November 25, 2003

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APPENDIX 1**CLEAN VERSION OF PENDING CLAIMS**

1. A method for promoting collagen production in a fibroblast of a subject comprising topically administering to said subject a collagen production promoter composition in an amount effective to promote collagen production in a fibroblast, wherein said composition comprises, as active components, (i) 0.0001 to 30.0% by weight, based upon the total weight of the composition, of an extract obtained by extracting a shoot of *Fagus crenata* with at least one solvent, wherein the solvent is selected from the group consisting of water, ethanol, methanol, propanol, butanol, 1,3-butylene glycol and any mixtures thereof, and (ii) a compound selected from the group consisting of L-ascorbic acid, L-ascorbate dipalmitate esters, L-ascorbate monopalmitate esters, sodium L-ascorbate-2-sulfate, L-ascorbate phosphate esters, L-ascorbate stearate esters, L-ascorbate-2-glycoside or dipotassium DL- α -tocopherol-L-ascorbate phosphate diester or mixtures thereof in an amount effective for synergistic promotion of collagen production.

2. A method as claimed in claim 1, wherein the extract from a shoot of a *Fagus crenata* is contained in a range of 0.0001 to 10.0% by weight based upon total weight of the composition.

3. A method as claimed in claim 1, wherein the compound is L-ascorbate-2-glycoside.

4. A method for promoting collagen production in a fibroblast of a subject comprising topically administering to said subject a collagen production promoter composition in an amount effective to promote collagen production in a fibroblast, wherein said composition comprises, as active components, (i) 0.0001 to 30.0% by weight, based upon the total weight of the composition, of an extract obtained by extracting a shoot of *Fagus crenata* with at least one solvent, wherein the solvent is selected from the group consisting of water, ethanol, methanol, propanol, butanol, 1,3-butylene glycol and any mixtures thereof, and (ii) vitamin C or derivative thereof in an amount effective for synergistic promotion of collagen production.